

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

REAL PROPERTY KNOWN AS 908
NORTH BOWDISH ROAD,
SPOKANE, WASHINGTON, together
with all appurtenances, fixtures,
attachments, and improvements thereto
and thereupon

Defendant,

JEFFREY JON FRANKLIN,

Claimant.

NO: 2:19-CV-0357-TOR

ORDER GRANTING SUMMARY
JUDGMENT AND ENTRY OF FINAL
ORDER OF FORFEITURE

BEFORE THE COURT is the United States' Motion for Summary
Judgment (ECF No. 21). Claimant has responded to the motion and represents that
"there is no basis in fact or law to overcome the United States' motion." ECF Nos.

ORDER GRANTING SUMMARY JUDGMENT AND ENTRY OF FINAL
ORDER OF FORFEITURE ~ 1

30, 31. There being no reason to delay entry of Judgment, the hearing set for January 5, 2021, is vacated.

On October 21, 2019, the United States of America alleged in a Verified Complaint for Forfeiture *In Rem* that the Defendant Property is subject to forfeiture to the United States pursuant to 18 U.S.C. §§ 2253, 2254. ECF No. 1.

The Court has jurisdiction over this matter by virtue of 28 U.S.C. §§ 1345 and 1355. Venue is proper pursuant to 28 U.S.C. § 1355(b). The Defendant Property consists of the following:

Real property known as 908 North Bowdish Road, Spokane, Washington, Parcel #: 45161.0839, legally described as follows:

Lot 15, Block 3, Regos Addition to Opportunity, as per Plat recorded in Volume "X" of Plats, Page 15;

Situate in the County of Spokane, State of Washington; together with all appurtenances, fixtures, attachment and improvements thereto and thereupon, and subject to all easements, restrictions, reservations and covenants of record.

On November 20, 2019, the Defendant Property was posted with the Notice of Verified Complaint, the Verified Complaint of Forfeiture In Rem, and the Lis Pendens. ECF No. 7. Service of Process was completed. ECF Nos. 3, 6, and 12.

Two Claimants appeared. First, JPMorgan Chase Bank, N.A., the lienholder, entered into a settlement agreement with the United States. ECF No. 18. That agreement provides, *inter alia*, for the payment of the outstanding

1 principal and interest due to the lienholder pursuant to a promissory note secured
2 by a Deed of Trust. *Id.*

3 Second, Jeffrey Jon Franklin filed a claim to the property. ECF No. 9. His
4 interest is now extinguished by his concession and the granting of the United States
5 Motion for Summary Judgment. The Court finds the Defendant Property subject to
6 forfeiture pursuant to 18 U.S.C. § 2254 for violations of 18 U.S.C. §
7 2252A(a)(2)(A), (b)(1) Receipt and Distribution of Child Pornography; and 18
8 U.S.C. § 2252A (a)(5)(B), (b)(2), Possession of Child Pornography. The United
9 States is entitled to summary judgment as a matter of law because the Defendant
10 Property promoted and facilitated Claimant Jeffrey Jon Franklin's viewing,
11 downloading, and distribution of child pornography images and videos.

12 Accordingly, this Court finds that any and all actual and potential claimant's
13 interest in the Defendant Property have been resolved, no other timely claims have
14 been made, and a final order of forfeiture should be entered.

15 **ACCORDINGLY, IT IS ORDERED:**

16 1. The United States' Motion for Summary Judgment, ECF No. 21, is

17 **GRANTED.**

18 2. The Defendant Property is **FORFEITED** to the United States of

19 America, and no right, title, or interest shall exist in any other person,

20 except pursuant to the terms of the Settlement Agreement between the

United States and JPMorgan Chase Bank, N.A., the lienholder, at ECF No. 18.

3. The United States and its agents and officers, are **COMMANDED TO SEIZE, ENTER, AND SECURE** the Defendant Property pursuant to 18 U.S.C. § 985, as this constitutes the final order of forfeiture. If necessary, the United States and its agents and officers shall evict and remove any and all occupants and take any other reasonably necessary action to secure and preserve the Defendant Property.

4. The United States shall dispose of the forfeited Defendant Property in accordance with law.

5. All pending deadlines, hearings and trial are **VACATED** as moot.

The District Court Executive is directed to enter this Order, enter **JUDGMENT** accordingly, provide copies to counsel, and **CLOSE** the file.

DATED December 18, 2020.



Thomas O. Rice
THOMAS O. RICE
United States District Judge